

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

KYLE BENGSTON, }  
vs. Plaintiff, }  
DAVID BAZEMORE, et al., }  
Defendant. }      CASE NO.: 3:06-cv-569-MEF

**DEFENDANTS' OBJECTION TO UNIFORM SCHEDULING ORDER**

COME NOW, the Defendants, Dr. David Bazemore and Wal-Mart Stores, Inc., by and through counsel, and, pursuant to Section 16 of the Uniform Scheduling Order entered September 28, 2006, hereby file the following objection:

1. This is a medical malpractice case. Defendants anticipate that they may file a motion for summary judgment at the appropriate time.
2. This case is set for trial on December 10, 2007 with a pretrial conference of November 2, 2007.
3. Defendants object to Section 8 of the Uniform Scheduling Order which states that Plaintiff's expert disclosures shall be due August 6, 2007, and Defendants' expert disclosures are due September 6, 2007.
4. Pursuant to Section 2 of the Uniform Scheduling Order, the deadline for motions for summary judgment is August 6, 2007, the same date as the Plaintiff's expert disclosure deadline.
5. The expert disclosure deadline of August 6, 2007 does not allow Defendants ample time to evaluate Plaintiff's expert disclosures and take Plaintiff's expert's(s') deposition(s) prior to filing their Motion for Summary Judgment.
6. In the Report of Parties Planning Meeting, filed September 22, 2007, the parties agreed that Plaintiff's Expert Disclosures would be due by February 28, 2007, with Defendants' Expert Disclosures due April 30, 2007.

WHEREFORE, Defendants move this Honorable Court to amend the Uniform Scheduling Order, changing the expert disclosure deadlines to allow Defendants sufficient time to discover Plaintiff's expert witness evidence prior to the deadline for motions for summary judgment.

RESPECTFULLY SUBMITTED this the 2<sup>nd</sup> day of October, 2006.

/s/ Matthew W. White  
MATTHEW W. WHITE (ASB-6809-W83M)

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I do hereby certify that I have this day served a true and correct copy of the above and foregoing upon:

David W. Adams  
The Newman Law Firm  
Park Plaza, Suite 150  
Alpharetta, GA 30004

Done this the 2<sup>nd</sup> day of October, 2006.

/s/ Matthew W. White  
OF COUNSEL